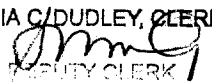


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUL 16 2014

JULIA C. DUDLEY, CLERK
BY: 
CLERK

UNITED STATES OF AMERICA,)	CASE NO. 7:07CR00084
)	(CASE NO. 7:14CV80756)
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
DANNY LEE PEOPLES,)	By: Hon. Glen E. Conrad
Defendant.)	Chief United States District Judge

Danny Lee Peoples, a federal inmate proceeding pro se, has filed a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255. Upon review of the motions and the record, the court concludes that Peoples' § 2255 motion must be summarily dismissed as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court records indicate that Peoples has previously filed a § 2255 motion raising similar claims concerning this same conviction and sentence. United States v. Peoples, 7:07CR00084/7:09CV80200, (W.D. Va. Mar. 30, 2010) (dismissing § 2255 claims as waived under plea agreement terms or without merit). Peoples offers no indication that he has obtained certification from the Court of Appeals to file a second or successive § 2255 motion.¹ Therefore, the court finds that Peoples' § 2255 action must be summarily dismissed as successive under § 2255(h). A separate order will be entered this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to the defendant.

ENTER: This 16th day of July, 2014.



Chief United States District Judge

¹ In his § 2255 motion, Peoples asserts that the terms of his plea agreement indicated that his state and federal sentences would be run concurrent to each other and that the government would move for reduction of his federal sentence based on his substantial assistance.